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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,095	08/26/2003	Brian Gerard Goodman	TUC920030029US1	4949

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EXAMINER

SNIEZEK, ANDREW L

ART UNIT PAPER NUMBER

2651

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/649,095

Applicant(s)

GOODMAN ET AL.

Examiner

Andrew L. Sniezek

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,9,10,12-15,17,18,20-23 and 25-30 is/are rejected.
- 7) ☒ Claim(s) 3,8,11,16,19 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/26/03.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 8/26/03 has been considered.

Drawings

2. The drawings filed 8/26/03 are acceptable to the examiner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 4, 5, 7, 9, 10, 12, 13, 15, 17, 18, 20, 21 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Iles et al. (US 20030067702A1).

Re claim 1: Iles et al. teaches an electronically updateable external labeling system that comprises an external surface of a data storage element (front surface of cartridge as shown in figure 5), an electronically visual display (506) and input for updating the display (60) and an update agent that operates the display in accordance with the input signal (transponder 503 as depicted in figure 6).

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Re claim 2: see paragraph [0044] which describes the use of a memory which can store information which can be stored/displayed by (506) and in which but of which are updateable by the use of a transponder unit.

Re claim 4: it appears from the information "TAPE 129", figure 5 that the LCD can be human readable.

Re claim 5: paragraph [0061] teaches a machine readable display, bar code.

Re claim 7: the internal battery as described in paragraph [0045, 0046] which is used in conjunction with the transponder satisfies these limitations.

Claims 9, 10, 12, 13, 15 and claims 17, 18, 20, 21 and 23 set forth substantially the same limitations as set forth in claims 1, 2, 4, 5, 7 and therefor rejected for similar reasons. Additionally clearly a cartridge shell (501) stores a medium which can be a magnetic tape (502)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 6, 14, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iles et al.

The teaching of Iles et al. is discussed above and incorporated herein. Claims 6, 14 and 22 set forth that the display is composed of a human readable display and a machine readable display. Iles et al. teaches that both types of displays are known but does not specifically indicate that they could be used in conjunction with one another. Clearly it would be advantageous to have the display to be not only human readable but also machine readable at the same time to allow a single display to provide information to both the user of a machine the uses the display such as a drive. It would have been obvious to one of ordinary skill in the art to modify the teaching of Iles et al. by providing a single display that is both human readable and machine readable so that no special readers (machine) would be necessary for the user to access the information.

8. Claims 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iles et al. as applied to claim 1, 2, 4, 5-7, 9, 10, 12, 13-15, 17, 18, 20, 21-23 above, and further in view of Carmichael et al. (US005323327A).

The teaching of Iles et al. is discussed above and incorporated herein. Claims 25 and 28 additionally set forth the use of the above described electronic visual display in a library apparatus that includes plural storage shelves, a drive and an accessor. Iles et al. teaches only that the electronic display for a library , paragraph [0061] but does not

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give the specifics of the library. Library arrangements that use a display device with the library including plural storage shelves, a drive and an accessor are well known as taught by Carmichael et al. (see figures 1, 7 and 8). It would have been obvious to one of ordinary skill in the art at the time of the invention to include such library specifics in the general library arrangement discussed by Iles et al. to allow for cataloging, accessing and recording/reproducing of plural cassettes stored therein. Concerning claims 26, it would have been obvious to make the display visible external to library when human visibly displays are used so that the cassettes need not be removed when reading the display by a user. Concerning claim 27 the accessor taught by Carmichael et al. can read a display, see figure 1. Such placement of the reading means would have been obvious when incorporated in the arrangement of Iles et al. so that every time a cassette is accessed the information of the cassette can be obtained. The location of the update station as set forth in claims 29-30 is a matter of choice, that a designer could have obviously made since the operation of the updating station would not change based on its position in the device. One of ordinary skill would be able to vary the location of the updating station within the arrangement of Iles et al. and Carmichael et al. as combined to any available location with having enough space.

Allowable Subject Matter

9. Claims 3, 8, 11, 16, 19, 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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10. The following is a statement of reasons for the indication of allowable subject matter: The claimed refresh control that senses the nonvolatile memory, provides a refresh signal and updates the visual display in accordance with the refresh signal as set forth in claims 3/2/1, 11/10/9 and 19/18/17 is neither taught by nor an obvious variation of the art of record. The claimed security control that coverts the human readable visual display to a blank in response to a security signal as set forth in claims 8/1, 16/9 and 24/17 is neither taught by nor an obvious variation of the art of record.

Conclusion

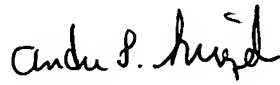
11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US006476725B2, US005986992A, US006039260A and US005745102A each is cited as being related to the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L. Sniezek whose telephone number is 703-308-1602. The examiner can normally be reached on Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh N Tran can be reached on 703-305-4040. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Andrew L. Sniezek
Primary Examiner
Art Unit 2651

A.L.S.
3/3/05